

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LINDA TILLEY,

Plaintiff,

Case No. 16-cv-14056
Hon. Matthew F. Leitman

v.

ALLY FINANCIAL, INC.,

Defendant.

ORDER GRANTING DEFENDANT’S MOTION TO STAY (ECF #12)

In this action, Plaintiff Linda Tilley (“Tilley”) alleges that Defendant Ally Financial, Inc. (“Ally”) violated the Telephone Consumer Protection Act, 47 U.S.C. 227 *et seq.* (the “TCPA”). (See Compl., ECF #1.)

On February 12, 2017, Ally filed a motion in which it requests that the Court stay this action (the “Stay Motion”). (See ECF #12.) According to Ally, the United States Court of Appeals for the D.C. Circuit is currently considering challenges to a July 10, 2015, Declaratory Ruling and Order issued by the Federal Communications Commission in which the commission “interpret[ed] numerous provisions of the TCPA.” (*Id.* at Pg. ID 51, citing *ACA International v. FCC*, Case. No. 15-1211 (D.C. Cir.)) Ally insists that “[t]he issues raised by the [*ACA International* case] are directly relevant to this litigation” and that the result of that action could “be dispositive of [Tilley’s] TCPA claims.” (*Id.* at Pg. ID 48, 52.) Thus, Ally says, a

stay is appropriate. The Court agrees. The Court further notes that staying this action is consistent with two others decisions in this District in which judges Victoria A. Roberts and Paul D. Borman issued stays in similar TCPA actions. *See Jones v. Credit Acceptance Corp.*, 2016 WL 7242141 (E.D. Mich. Dec. 15, 2016) (Roberts, J.); *Patterson v. Ally Financial, Inc.*, Case No. 16-4505 (E.D. Mich. Apr. 5, 2017) (Borman, J.).¹

Accordingly, for the reasons stated in the Stay Motion (ECF #12), the Court **GRANTS** the motion and **STAYS** these proceedings until further order of the Court. The parties are directed to monitor the docket for the U.S. Court of Appeals for the D.C. Circuit and to file notice with this Court as soon as the D.C. Circuit issues a ruling in the *ACA International* litigation. The Court will thereafter convene a telephonic status conference with the parties to discuss next steps in this action.

IT IS SO ORDERED.

/s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: April 26, 2017

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 26, 2017, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(313) 234-5113

¹ A copy of the decision in *Patterson* is in the record at ECF #19-1.